

## REMARKS/ARGUMENTS

### *Status of Claims*

Claims 1, 23-24, 31, 38-39, and 43-44 have been amended.

Claims 4, 25-30, and 32-36 have been canceled.

As such, claims 1-3, 5-24, 31, and 37-53 are currently pending in this application.

Applicants hereby request further examination and reconsideration of the presently claimed application.

### *Claim Rejections – 35 U.S.C. § 112, first paragraph*

Applicants respectfully disagree with the Examiner's position in regard to the enablement of the specification for metals other than chromium in the context of claim 25. However, to advance prosecution of the pending patent application, Applicants have canceled claim 25 and the 35 U.S.C. § 112 of claim 25 is now moot.

### *Claim Rejections – 35 U.S.C. § 112, second paragraph*

Claims 2 and 43 stand rejected under 35 USC § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter the Applicants regard as the invention. Specifically, the Examiner rejected the claims because the Applicant stated that the two reagents "may form a metal halide-containing compound." The Applicants respectfully traverse these rejections. 35 USC § 112, second paragraph, requires that the claims, not the Applicant's arguments, be definite. Regardless of the effect that the term "may" has on the Applicant's arguments, claims 2 and 43 are definite in their present form because the term "may" is not used in claims 2 or 43. Thus, there is no need to amend claims 2 or 43. If the Examiner feels that this position is in error, he is invited to contact the attorney of record or otherwise propose claim amendments that would satisfy his requirements.

**Claim Rejections – 35 U.S.C. § 103**

Claims 1-3, 5-25, 31, 37-42, and 46-51 stand rejected under 35 USC §103(a) as being unpatentable over *Reagen* (U.S. 5,376,612) in view of *Manzer* (U.S. 4,057,565). Claims 43-46, 52, and 53 stand rejected under 35 USC §103(a) as being unpatentable over *Reagen* in view of *Furtek* (U.S. 4,876,229). The Applicants respectfully submit that the prior art of record does not establish a *prima facie* case of obviousness as to the pending claims. According to MPEP § 2142, three basic criteria must be met to establish a *prima facie* case of obviousness:

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

The Applicants respectfully submit that *Reagen*, *Manzer*, and *Furtek* do not teach or suggest each and every limitation set forth in the pending claims, and therefore does not make obvious the pending claims.

With respect to amended claims 1, 23-24, 31, 39, and 43, and their dependent claims, *Reagen* in view of *Manzer* and *Reagen* in view of *Furtek* fail to teach or suggest a method of making a catalyst in which the non-metal alkyl abates water or acid protons or both from a chromium or pyrrole containing compound. The Examiner cites *Manzer* to teach the non-metal alkyl can eliminate water from any of the reagents. Additionally, the Examiner cites *Furtek* to teach the use of an absorbent to remove water from any of the reagents. However, *Manzer's* and *Furtek's* teachings are limited to removing water from the diluent, not any of the other components. Thus, the prior art of record does not teach or suggest a method of making a catalyst in which the non-metal alkyl abates water or acid protons or both from a chromium and/or pyrrole

containing compound as is recited in the pending claims. Because *Reagen* in view of *Manzer*, and *Reagen* in view of *Furtek* fail to teach or suggest one of the claimed limitations, the Examiner has failed to present a *prima facie* case of obviousness and the pending claims should be allowed over the cited prior art.

**CONCLUSION**

Consideration of the foregoing amendments and remarks, reconsideration of the application, and withdrawal of the rejections are respectfully requested by Applicants. No new matter is introduced by way of the amendments. It is believed that each ground of rejection raised in the Office Action dated May 24, 2006 has been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number 50-1515 of Conley Rose, P.C., Texas. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

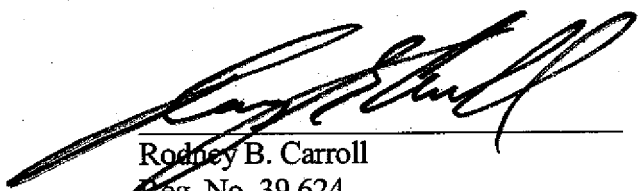
If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,

CONLEY ROSE, P.C.

Date: \_\_\_\_\_

8-22-06

  
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